

Meeting Summary
Virginia Disability Commission
<http://dls.state.va.us/disability.htm>

January 13, 2003, 2:00 p.m.
Senate Room A
General Assembly Building

Proposed Budget: Impact on Programs for Persons with Disabilities

Joe Flores, legislative fiscal analyst for the Senate Finance Committee, discussed the Governor's proposed budget impact on people with disabilities. He reviewed the 2004 Health and Human Resources budget decisions, including funds allotted for Olmstead related activity, such as Medicaid Developmental Disabilities (DD) Waiver slots, services to persons with brain injury, restoration of funds to Centers for Independent Living, and restoration of funds to community rehabilitation workshops.

Mr. Flores noted that the majority of money proposed as amendments to the 2004-2006 biennial budget was for Medicaid. Of the \$259.2 in additional spending proposed, \$241.4 was for Medical Assistance Services. This was due to a combination of increased enrollment and increased utilization of services. The budget amendments include \$209.6 million to fully fund projected caseload and cost growth in Medicaid; \$16.6 million to increase Medicaid reimbursement rates for obstetrical services by 34%; \$9.4 million for additional families qualifying for TANF and mandated child day care services; \$6.9 million to offset shortfalls in prescription meds for individuals served by Community Services Boards (CSBs) and state facilities; and \$4.5 million for Part C.

Discretionary spending accounts for the remaining 10 percent (\$30.9 million) of new general fund support in health and human resources. This includes a proposed \$150,000 for Centers for Independent Living; \$150,000 to reduce the Department for Rehabilitative Services (DRS) Long Term Rehabilitation Case Management Program waiting list; \$150,000 to create a web-based information system for families; \$20,400 to support Olmstead Advisory Council activities; \$1.3 million for start up costs related to the 700 new MR waiver slots; \$740,000 for one-time costs associated with transitioning from a nursing home or ICFMR to a less restrictive community setting; \$1.5 million to subsidize community housing options for persons living in restricted settings who could not transition to the community without such assistance; and \$2.3 million to increase the Auxiliary grant payment from \$894 to \$944/month.

Mr. Flores noted that activities on the federal level are being monitored as they may negatively affect the state. This includes federal scrutiny of entitlement spending and the

assignment of auditors to various programs as well as discussion of entitlement reform for Medicaid and Medicare.

Brain Injury Waiver

Diana Thorpe, Virginia Department of Medical Assistance Services (DMAS) Director, Long Term Care Division, provided a follow-up presentation on a potential brain injury waiver. At the December meeting of the Commission, Ms. Thorpe was asked to come back with specific options related to the waiver as it was not included in the Governor's proposed budget and is a Commission priority. Two options were discussed. The first involved a waiver that would serve 200 persons, ages 16 and over (the age at which many brain injuries occur) and would cover congregate living services—a service that has been determined as needed by the brain injury community. The cost would be \$65,000 per person. The second option would be to serve 200 persons ages 22-65 without congregate living services at a cost of \$40,000 per person.

The Commission asked a number of questions regarding incidence, who would qualify, whether it was better to start with more people and less service or less people but comprehensive services. Ms. Thorpe provided information on the cost out of providing the two options to a lower number of individuals. Costs for serving 50, 75, and 100 people were provided. She indicated that providing comprehensive services to less people and starting at age 16 would be better than less services to more people, potentially in a limited geographic area in order to build a provider base.

Following the discussion, Harry Weinstock, Executive Director of the Brain Injury Association, notified the Commission that a budget amendment for the 200 slots (per option 1) had been had just been put in. Therefore the Commission determined that it would simply lend its support to the already submitted budget amendment.

Public Comments

Public comment supporting the brain injury waiver was provided by several individuals, including the wife of a *Washington Post* reporter who had covered the General Assembly until last year when he suffered an anoxic brain injury that resulted in significant loss of his long and short-term memory. The commenter provided testimony regarding the impact of this disability on her husband and her family and the fact that they had to go to North Carolina to obtain appropriate services at one point in his ongoing recovery.

Carol Schall from the Virginia Autism Resource Center provided public comment that included information in response to questions the Commission had in December about the Autism Council of Virginia. At the December meeting, Linda Oggel gave a presentation on behalf of the Autism Council of Virginia, requesting that the Commission consider funding for the Council to continue its critical work in provider training and curriculum development for those working with children and adults with autism. It was noted that support had been provided by the Department of Education but was not likely to continue. The Commission asked for additional information on which agencies currently provided funding for autism related

initiatives and what these initiatives are so that they could make an educated decision on the request. Ms. Schall provided information on what the Council had been able to accomplish to date; it has been very active in being able to provide training to school staff, limited funding had restricted the Council's ability to provide training to waiver providers, adult service providers, day care providers and families. The lack of a "home" for autism was discussed.

Lt. Governor Kaine noted that he was reluctant to recommend funding specifically for the Council and suggested that they consider recommending that Olmstead funds be used for this purpose since the work of the Council was directly related to one of the Olmstead recommendations. It was also suggested by a Commission member that there be a recommendation, potentially via a letter to the Governor, that a home for autism services be found so that there could be executive branch accountability for monies provided on behalf of this population. It was also recommended that a letter be sent to the members of the interagency council to encourage their fiscal support of the Council's activities since at the current time, only VDOE is providing such support and without assistance was likely to withdraw it.

Katherine McGary of Sun Trust Bank and a former Commission member, provided public comment to inform the Commission that a web-based employer tool kit entitled: "Social Security Work Incentives: An Employers' Guide to Benefits Planning and Management for Employees with Disabilities" had been completed and was now on line. She noted that it is very employer friendly and could be accessed at www.vabln.org. In addition, it will be on the national one stop web site at www.onestoptoolkit.org

Two advocates, Kelly Hickock, on behalf of the Richmond CIL, and Maureen Hollowell, on behalf of the Virginia Association of Independent Living Centers, encouraged the support of additional funding for CILs.

Adoption of Recommendations

The Commission formally endorsed the following items:

- A budget amendment to fully fund 200 Brain Injury Waiver slots (\$4.3 million in 2005 and \$6.2 million in 2006).
- Brain Injury Waiver licensing legislation, which is required for the Department of Mental Health, Mental Retardation and Substance Abuse Services to have the authority and staffing necessary to administer the waiver.
- Letters to the Governor suggesting that some Olmstead funds be directed at autism, and to the Inter-agency council urging that agencies in addition to the Department of Education, take part in and direct resources towards dealing with autism, and expressing the need to find a "home" in state government for autism.
- \$475,000 in additional funding for Centers of Independent Living, for the establishment of new centers in the New River Valley and Petersburg, and satellite centers in Loudoun County and the Middle Peninsula.

Members also discussed looking into the possibility of expanding the Personal Assistance Services (PAS) program at the Department of Rehabilitative Services, but did not make any official recommendation on this issue.